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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE:

CASE: 20-20931

BOBBY DEAN TAYLOR
ANGELA J. ROMANE

CHAPTER 13

Debtors

Hon. KEVIN R. ANDERSON

TRUSTEE'S CONTINUING OBJECTION TO CONFIRMATION

The Standing Chapter 13 Trustee, hereby objects to confirmation based on the following unresolved issues:

Restatement of Issues from Prior Objection(s):

1. The Trustee projects that the Debtor(s) direct payment(s) to satisfy a retirement and auto loan (Honda Goldwing), will end within 60-months. The Debtor(s) should increase the plan payment by the same amount as the loan repayment once such claims have been paid in full. See *In re Kofford*, Slip Copy, 2012 WL 6042861 (Bankr. D. Utah Dec. 4, 2012) (Thurman).

2. Schedule I lists a voluntary, monthly contribution from a third-party (assistance from children). The Debtor(s) should file with the Court an affidavit signed by such third-party stating that the third-party has the means and the intent to make such contributions on a monthly basis during the term of the Debtor(s)' Chapter 13 Plan.

3. The Debtors should provide the Trustee with a copy of the appraisal or verification for value for the real property located at 9232 E. Clydesdale Rd, Jensen UT 84035 listed on Schedule A/B. The Trustee reserves the right to raise any objections under the best-interest-of-creditors test of § 1325(a)(4) once these documents are received.

4. The Trustee requests that the Debtor(s) provide verification of the date the 2019 tax returns were filed and the date the refunds were received. The Trustee reserves the right to raise any objections under the best-interest-of-creditors test of § 1325(a)(4) once these documents are received.

5. The Chapter 13 plan does not comply with the best-interest-of-creditors test of § 1325(a)(4). Based on the assets and debts listed in the statements and schedules, the Trustee has determined in a hypothetical Chapter 7 case that unsecured creditors would share a total distribution of approximately \$81,426.00, while the current plan proposes a return of only \$4,000.00 to unsecured creditors.

6. The Debtor(s) failed to produce at the 341 Meeting statements from their financial account(s) for the period that covers the petition date (see Fed. R. Bankr. P. 4002(b)(2)(A)).

7. The Debtor(s) failed to produce at the 341 Meeting evidence of current income (see Fed. R. Bankr. P. 4002(b)(2)(A)) and LR 2083-1(e)(1)(2)(A).

8. It appears the Debtors have obtained forbearance of mortgage payments - the Trustee requests an updated budget and pay advices. In addition, the Trustee cannot recommend confirmation of the chapter 13 plan if the Debtors are unable to pay ongoing plan payments and mortgage payments based on 1325(a)(6). The case should be dismissed, the property surrendered or the hearing continued after Sept 2020 to determine the Debtors' ability to comply with the terms of their proposed plan. In order to obtain that lengthy continuance, all other issues for confirmation should be resolved prior to the continuance granted. In addition, the Trustee requests protective language that if any pre-confirmation plan payment is more than 21 days delinquent the case may be dismissed upon the filing of a declaration of non-compliance and order of dismissal.

THEREFORE, the Trustee has an ongoing objection to the confirmation.

Dated: May 28, 2020

LAJ /S/
LON A. JENKINS
CHAPTER 13 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Continuing Objection to Confirmation was served upon all persons entitled to receive notice in this case via ECF Notification or by U.S. Mail to the following parties on May 28, 2020:

LEE J. DAVIS, ESQ., ECF Notification

/s/ Rachel Rees